

## **Remarks**

Claims 1-81 are currently pending in the Application. Claims 3, 7-11, 14-17, 19-22, 25, 29-33, 36-39, 41-44, 47, 51-55, 58-61, 63, 73-77 and 82-85 are withdrawn. Claims 12, 34, 56 are cancelled. Claims 1, 2, 4, 5, 13, 18, 23, 24, 26, 27, 35, 40, 45, 46, 48, 49, 57, 62, 64, 67, 70-72, 78, 80 and 81 are rejected.

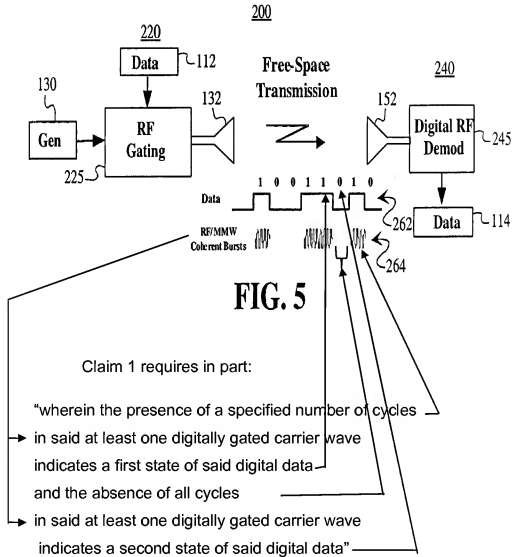
Claims 1, 23, 45, 67 and 78 were amended to include the limitation that a “0” is indicated by the complete absence of the carrier. Support for this amendment may be found at least on page 11, lines 12 to 14 and in figure 5.

### **FOA item 1 Examiner’s response to Applicant’s Remarks – Interpretation of Feature 264 showing a zero is the absence of all cycles in the gated carrier wave.**

The key disagreement between the Applicant and the Examiner is the interpretation of feature 264 in figure 5. Applicant has previously amended his claims to require a zero to be indicated by the absence of all cycles. The Examiner believes figure 5 and page 11 of Applicant’s specification does not support Applicant’s claim, hence the 35USC112 rejection and the subsequent 35USC103 rejection. The Applicant respectfully requests the Examiner consider the following mapping between figure 5 and the claimed limitation to ensure the Examiner is interpreting the claimed limitation in the context of the specification. If nothing else, with the Examiner’s consideration of the references and mapping, the Examiner and Applicant will at least understand each other’s arguments.

The Applicant is grateful for the Examiner’s consideration of Applicant’s argument.

Consider figure 5 from applicant's drawings reproduced below:



The above figure shows that the limitation at issue of the claims is supported by figure 5. The description of figure 5 from the specification, first paragraph page 11 states (emphasis added):

“FIG. 5 shows a block diagram for a one-way communication channel 200 according to an embodiment of the present invention. Those skilled in the art will understand that two way communications may be provided by replicating the channel 200

in the opposite direction. In FIG. 5, a digital transmitter 220 comprises a single frequency RF generator 130, a digital gating device 225, and a transmitting antenna 132. The RF generator 130 may generate a radio frequency (RF) output, a microwave (MW) output and/or a millimeter wave (MMW) output. The digital gating device 225 chops the RF/MW/MMW continuous carrier from the RF generator 130 into digital bursts 264 based on the state of the digital input data 112. Preferably, as shown in FIG. 5, **an RF/MW/MMW carrier signal 264 is present when the bit state 262 of the digital data is a "1" and there is no carrier signal 264 when the bit state 262 is a "0".** According to an embodiment of the present invention, a digital receiver 240 comprises a receiving antenna 152 and digital RF data recovery circuitry 245."

The emphasized text establishes the correlation between the carrier signal 264 and the bit state 262, matches the claimed limitation, and traverses the Examiner's interpretation of Applicant's specification as contrary to the plain language of the specification. Given that the claimed limitation of "the presence of a specified number of cycles in said at least one digitally gated carrier wave indicates a first state of said digital data and the absence of all cycles in said at least one digitally gated carrier wave indicates a second state of said digital data" is supported by the specification and is not found in the cited art, the rejection of the Applicant's prior claim amendment under 35USC112 and pending claims under 35USC103 is improper.

## Conclusion

In view of the Examiner's failure to establish a prima facie case of obviousness as described above, reconsideration and allowance of all claims not cancelled or withdrawn is respectfully requested.

The Commissioner is authorized to charge any additional fees which may be required or credit overpayment to deposit account no. 50-3984. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 50-3984.

Respectfully submitted,

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